



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JRE

Docket No: 624-98

13 September 1999

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 September 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Naval Personnel Command dated 4 June 1999 a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board noted that your discharge by reason of erroneous enlistment was warranted by your history of academic skills disorder, i.e., your having received special education services through the 11th grade. Although you may have disclosed that history to recruiting officials, you did not disclose your history of psychological counseling and use of a stimulant medication in the Standard Form 88, Report of Medical History, and DD Form 2246, Applicant Medical Prescreening Form, which you completed during your pre-enlistment processing. Had you revealed that history, it is unlikely that you would have been found physically qualified to enlist by officials of the Military Entrance Processing Station. The Board was not persuaded that your reentry code was assigned in error, or that the code is unjust. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this

regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1910
Ser 814/9U0067
4 Jun 99

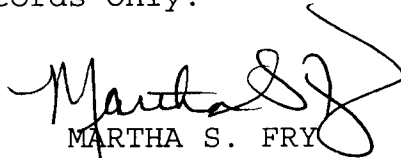
MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS (BCNR)

Via: BUPERS/BCNR COORDINATOR, PERS-OOXCB

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF
[REDACTED]

Encl: (1) BCNR File #00624-98
(2) Petitioner's Service Record

1. After careful review of [REDACTED] petition, enclosure (1), the following information pertains:
 - a. When RTC Great Lakes discharges members due to medical reasons, RE-codes are assigned depending if the medical condition is treatable (RE-3E or 3G) or not treatable (RE-4).
 - b. Contact with BUMED (CDR Carrio) further clarified that if a member used certain medication prior to entry into the service, it precludes them enlistment. The medication that [REDACTED] used to control his Attention Deficit Disorder disqualifies him from service. Recommend the board forward this case to BUMED for input.
2. Base on the information above, it appears the RE-code was correctly assigned to [REDACTED] DD-214.
3. This is an advisory memorandum for the use of the Board for Correction of Naval Records Only.


MARTHA S. FRY
Head, Enlisted Favorable
Separation Section